

May 24, 2007

FOR IMMEDIATE RELEASE

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OF THE COURT, BUT IS SOLELY
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IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 32565

TRENT L. CLARK,

Plaintiff-Appellant,

v.

THE SPOKESMAN-REVIEW, COWLES)
PUBLISHING COMPANY, WILLIAM)
STACEY COWLES, CHRIS PECK and)
THOMAS CLOUSE,)

Defendants-Respondents.)

Coeur d'Alene, April 2007

2007 Opinion No. 81

Filed: May 24, 2007

Stephen W. Kenyon, Clerk

Appeal from the District Court of the First Judicial District, State of Idaho,
Kootenai County. Honorable Charles Weeks Hosack, District Judge.

District court order granting summary judgment, affirmed.

Racine, Olson, Nye, Budge & Bailey, Chartered, Pocatello, for appellant. Richard
Avery Hearn argued.

Witherspoon, Kelley, Davenport & Toole, P.S., Coeur d'Alene, for respondents.
Duane M. Swinton argued.

In an opinion by Justice Roger S. Burdick, the Idaho Supreme Court affirmed the district
court's grant of summary judgment to Respondents: The Spokesman Review, Cowles Publishing
Company, William Stacey Cowles, Chris Peck, and Thomas Clouse (collectively Spokesman
Review) on Appellant Trent L. Clark's defamation and false light in the public eye claims.

Clark, former State Chairman of the Republican Party in Idaho, had a telephone interview
with reporter Thomas Clouse. Clouse then published an article in the Spokesman Review which
quoted Clark as saying: "You probably cannot find an African American male on the street in
Washington, D.C., that hasn't been arrested or convicted of a crime." Clark alleges he was

misquoted by Clouse and that the publication constitutes both defamation and false light in the public eye.

The Idaho Supreme Court held that the Spokesman Review was entitled to summary judgment on both claims because there was insufficient evidence to show that a reasonable jury could find by clear and convincing proof that Clouse acted with actual malice when he made the publication. The Court observed that in the defamation context actual malice does not mean ill will or spite, but that actual malice requires evidence that Clouse had knowledge of the alleged falsity of the statement or that he engaged in reckless falsification. In this case, allegations that the wording of the quotation was incorrect and that Clouse was “very upset” with Clark were insufficient to show actual malice when Clouse testified that the quotation as published corresponds with his memory, when the quotation corresponded almost exactly with Clouse’s interview notes and when Clark had no record of the interview to show otherwise, and that Clouse gave the quotation context by correctly quoting statements made by Clark immediately preceding and following the statement at issue.